

REMARKS

Claims 1-5 and 8-10 are currently pending in this application. The Examiner has rejected Claims 1-5 and 8-10 under 35 U.S.C. §103(a) as being unpatentable over the Applicant's Admitted Prior Art (*AAPA*) in view of *Schroderus et. al* (WO 99/62283). Additionally, the Examiner has now objected to the replacement drawings.

With regard to the objection to the drawings, the Examiner takes issue with Fig. 3, asserting that in the specification, step 308 does not recite "receipt of twelve consecutive good frames". However, this objection by the Examiner makes no sense, as replacement FIG. 3 does not recite "receipt of twelve consecutive good frames" in steps 308. Rather, FIG. 3, recites "receipt of twelve consecutive bad frames", which is supported in the specification on page 7, lines 13-15. Based on at least the foregoing, withdrawal of the objection to the drawings is respectfully requested.

With regard to the rejection of independent Claims 1, 5, 8, and 10 the Examiner again asserts that the *AAPA* teaches all the recitations of these claims, except for assigning to the mobile station a traffic channel by the searched base station using a physical channel used for data transmission, which the Examiner asserts is taught in *Schroderus*.

Each of independent Claims 1, 5, 8, and 10 recites resuming the call on the traffic channel that is first available between one of a recovered traffic channel and the assigned traffic channel. As indicated above, the Examiner asserts that this feature is taught in the *AAPA* (page 4, lines 10-11). However, the *AAPA* reads "[[t]]hen, the mobile station is assigned to a traffic channel by the new base station and recovers the dropped call in step 217." It is respectfully submitted that neither this section, nor any other section of the *AAPA* teaches resuming the call on the traffic channel that is first available between one of a recovered traffic channel and the assigned traffic channel. That is, the *AAPA* makes no teaching of determining which of the channels is first available. *Schroderus* does not cure this defect.

Further, the *AAPA* specifically recites the following on page 4, lines 16-19:

If the mobile station receives a signal of good quality from the old base station, it fails to perceive the successful receipt of the signal. This implies that despite probable resumption of the call with existing resources, repetition of the traffic channel assigning procedure delays the recovery of the dropped call.

More specifically, the above cited section points out that the *AAPA* connects to the assigned traffic channel, regardless of whether the recovered traffic channel is available or not. Again, this deficiency is not cured by *Schroderus*. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting independent Claims 1, 5, 8, and 10, as neither the *AAPA* nor *Schroderus* teach resuming the call on the traffic channel that is first available between one of a recovered traffic channel and the assigned traffic channel.

The Examiner cited page 4, line 10-11, as allegedly teaching resuming the call on *the traffic channel that is first available between one of a recovered traffic channel and the assigned traffic channel*". However, this cited section merely recites:

"Then, the mobile station is assigned to a traffic channel by the new base station and recovers the dropped call in step 217."

It is respectfully submitted that the Examiner can not make a good faith argument that the section of the *AAPA* cited above reads on "resuming the call on *the traffic channel that is first available between one of a recovered traffic channel and the assigned traffic channel*" as is recited in independent Claims 1, 5, 8, and 10.

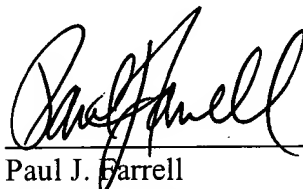
Accordingly, "resuming the call on *the traffic channel that is first available between one of a recovered traffic channel and the assigned traffic channel*" as recited in independent Claims 1, 5, 8, and 10 is not taught in the *AAPA*. Additionally, this deficiency is not cured by *Schroderus*.

Based on at least the foregoing, withdrawal of the rejections of independent Claims 1, 5, 8, and 10 is respectfully requested.

Independent Claims 1, 5, 8 and 10 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-4, 6, 7 and 9, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-4, 6, 7 and 9 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-10 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul J. Farrell", is written over a horizontal line.

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